IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 4 OF 2005

MR.FIDELIS ANTONIO PEREIRA AND ANR., ...Appellants

Versus

MISS FILOMENA ANTONETA PEREIRA,CHINCHINIM GOA. ....Respondent

Mr. D. Pangam, advocate for the appellants.

Coram:- R. M. LODHA, J.

Date:- 21st September, 2005

P.c.

Heard Mr. Pangam, the learned counsel for the appellants. The appellants are the original plaintiffs. Their appliction for temporary injunction was rejected by the trial Court by the imugned Order giving rise to the present appeal.

It is not in dispute that the plaintiffs' names are not recorded in the occupant's column regarding survey no.360/3 and 360/9. As a matter of fact it is for this reason that the plaintiffs inter alia prayed for correction in the revenue record. Prima facie it appears from the available material that the defendant is in possession of the subject property. In view thereof the plaintiffs are not entitled to any temporary injunction. Even if the trial Court has held though not rightly that the suit is hit by Section 34 of the Specific Relief Act, that does not make material difference insofar as the rejection of the plaintiffs' application for temporary injunction was concerned.

Appeal From Order does not deserve to be admitted. It is dismissed in limine.

R. M. LODHA, J.

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